

UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF NEW YORK

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PAUL MARTINEZ,

Docket No.: 07-cv-1942 (WCC/GAY)

Plaintiff,

-against-

ANSWER

COMMUNICATION WORKERS OF AMERICA,
LOCAL 1120, et. al.

Defendants.

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Defendants, PM Savvy Fleet Service, Inc. and Kevin Peters, through their attorney LAW OFFICES OF JASON L. ABELOVE, answering the complaint of the Plaintiff alleges as follows:

Pursuant to FRCP 7.1, there are no parent corporations to Defendants PM Savvy or Peters. Further, no publicly held corporation owns more than 10% of stock of PM Savvy Fleet Service, Inc. or Peters.

1. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 1 of the complaint.
2. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 2 of the complaint.
3. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3 of the complaint.
4. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 4 of the complaint.
5. Admit the allegations contained in Paragraph 5 of the Complaint.
6. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the

allegations contained in paragraph 6 of the complaint.

7. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 7 of the complaint.
8. Admit the allegations contained in Paragraph 8 of the Complaint.
9. Admit the allegations contained in Paragraph 9 of the Complaint.
10. Deny the allegations contained in Paragraph 10 of the Complaint.
11. No response to paragraph 11 is required as it states a legal position. Insofar as a response is required, this allegation is denied.
12. Deny the allegations contained in Paragraph 12 of the Complaint.
13. Admit the allegations contained in Paragraph 13 of the Complaint.
14. Admit the allegations contained in Paragraph 14 of the Complaint.
15. No response to paragraph 15 is required as it states a legal position. Insofar as a response is required, this allegation is denied.
16. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 16 of the complaint.
17. No response to paragraph 17 is required as it states a legal position. Insofar as a response is required, this allegation is denied.
18. No response to paragraph 18 is required as it states a legal position. Insofar as a response is required, this allegation is denied.
19. No response to paragraph 19 is required as it states a legal position. Insofar as a response is required, this allegation is denied.

20. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 20 of the complaint.
21. No response to paragraph 21 is required as it states a legal position. Insofar as a response is required, this allegation is denied.
22. Defendants repeat, reiterate and reallege each of their foregoing responses as if stated in full hereat.
23. Admit the allegations contained in Paragraph 23 of the Complaint.
24. Deny the allegations contained in Paragraph 24 of the Complaint.
25. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 25 of the complaint.
26. Admit the allegations contained in Paragraph 26 of the Complaint.
27. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 27 of the complaint.
28. Admit the allegations contained in Paragraph 28 of the Complaint.
29. Deny the allegations contained in Paragraph 29 of the Complaint.
30. Deny the allegations contained in Paragraph 30 of the Complaint.
31. Deny the allegations contained in Paragraph 31 of the Complaint.
32. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 32 of the complaint.
33. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 33 of the complaint.
34. Deny the allegations contained in Paragraph 34 of the Complaint.

35. Deny the allegations contained in Paragraph 35 of the Complaint.
36. Deny the allegations contained in Paragraph 36 of the Complaint.
37. Admit the allegations contained in Paragraph 37 of the Complaint.
38. Admit the allegations contained in Paragraph 38 of the Complaint.
39. Admit the allegations contained in Paragraph 38 of the Complaint.
40. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 40 of the complaint.
41. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 41 of the complaint.
42. Deny the allegations contained in Paragraph 42 of the Complaint.
43. Deny the allegations contained in Paragraph 43 of the Complaint.
44. Deny that the CBA mandates progressive discipline.
45. Deny the allegations contained in Paragraph 45 of the Complaint.
46. Deny the allegations contained in Paragraph 46 of the Complaint.
47. Deny the allegations contained in Paragraph 47 of the Complaint.
48. Deny the allegations contained in Paragraph 48 of the Complaint.
49. Deny the allegations contained in Paragraph 49 of the Complaint.
50. No response to paragraph 50 is required as it states a legal position. Insofar as a response is required, this allegation is denied.
51. No response to paragraph 51 is required as it states a legal position. Insofar as a response is required, this allegation is denied.
52. Deny the allegations contained in Paragraph 52 of the Complaint.

53. Defendants repeat, reiterate and reallege each of their foregoing responses as if stated in full hereat.
54. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 54 of the complaint.
55. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 55 of the complaint.
56. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 56 of the complaint.
57. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 57 of the complaint, except deny any breach of the CBA.
58. Deny the allegations contained in Paragraph 58 of the Complaint.
59. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 59 of the complaint.
60. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 60 of the complaint.
61. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 61 of the complaint.
62. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 62 of the complaint.
63. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 63 of the complaint.

64. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 64 of the complaint.
65. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 65 of the complaint.
66. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 66 of the complaint.
67. Defendants repeat, reiterate and reallege each of their foregoing responses as if stated in full hereat.
68. No response to paragraph 68 is required as it states a legal position. Insofar as a response is required, this allegation is denied.
69. Deny the allegations contained in Paragraph 69 of the Complaint.
70. Deny the allegations contained in Paragraph 70 of the Complaint.
71. Deny the allegations contained in Paragraph 71 of the Complaint.
72. Deny the allegations contained in Paragraph 72 of the Complaint.
73. Deny the allegations contained in Paragraph 73 of the Complaint.
74. Deny the allegations contained in Paragraph 74 of the Complaint.
75. Defendant is not aware of "Woodbury" or "Andux" but denies liability for damages.
76. Defendants repeat, reiterate and reallege each of their foregoing responses as if stated in full hereat.
77. Deny the allegations contained in Paragraph 77 of the Complaint.
78. Deny knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 78 of the complaint.

79. Deny the allegations contained in Paragraph 79 of the Complaint.
80. Deny the allegations contained in Paragraph 80 of the Complaint.
81. Deny the allegations contained in Paragraph 81 of the Complaint.
82. Deny the allegations contained in Paragraph 82 of the Complaint.

Deny all allegations of the WHEREFORE clause.

JURY DEMAND

Defendants demand trial by jury of this action.

WHEREFORE, Defendants demand Judgment dismissing the plaintiff's complaint, together with costs and disbursements of this action, and any such other and further relief as the Court deems just and proper.

Dated: Garden City, New York
June 5, 2007

JASON L. ABELOVE, ESQ.
(JLA-5327)
Attorneys for Defendants
666 Old Country Road, Suite 304
Garden City, New York 11530
(516) 222-7000

To: Barry D. Haberman, Esq.
254 South Main Street, #401
New City, New York 10956

V E R I F I C A T I O N

JASON L. ABELOVE, an attorney duly admitted to practice law before the Courts of the State of New York, affirms the following under the penalties of perjury:

That I am the attorney for defendants in the above entitled action with offices located at 666 Old Country Road, Suite 304, Garden City, County of Nassau, State of New York; that I have read the foregoing Verified Answer and know the contents thereof; that the same is true to my knowledge, except as to the matters stated to be alleged upon information and belief, and that as to those matters I believe them to be true.

That the reason why this verification is made by deponent instead of defendants is because the defendants are not within the County of Nassau, which is the county where deponent has his office. Deponent further says that the grounds of his belief as to all matters in the answer not stated to be upon his knowledge are based upon a review of documents, correspondence and other relevant data in deponent's file; and communications with the plaintiff relative to the within action.

Dated: Garden City, New York
June 5, 2007

JASON L. ABELOVE